

Effective  
Date: 06/01/03

**SUBJ:** INTERNAL COORDINATION REQUIREMENTS FOR NEGOTIATING TERM AND MID-TERM AGREEMENTS (INCLUDING MEMORANDA OF UNDERSTANDING AND MEMORANDA OF AGREEMENT) WITH FAA UNIONS

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1. **PURPOSE.** This Order establishes internal management coordination and approval requirements for term and mid-term labor agreement negotiations, including memoranda of agreement and memoranda of understanding.
2. **DISTRIBUTION.** This Order is distributed to all executives, managers, and supervisors.
3. **BACKGROUND.** FAA's multi-union environment requires a consistent and coordinated bargaining approach to its labor agreement negotiations. To ensure a more corporate approach to negotiations, FAA is implementing requirements for labor agreement negotiations. These coordination and approval requirements will be implemented consistent with FAA's obligations under the Federal Service Labor-Management Relations Statute. Each management official will be held responsible for ensuring that labor agreements meet all legal requirements, that budget impacts are analyzed, and that agreements support corporate goals and interests.
4. **UNION NOTICE.** All notices to or from unions concerning collective bargaining matters must be coordinated with the Office of the Assistant Administrator for Human Resource Management (AHR) labor management relations (LMR) representatives in headquarters, regions or centers, as appropriate, prior to issuance and the beginning of any negotiations.
5. **NEGOTIATION REPRESENTATION.** Either a designated AHR LMR representative or an AHR designated Line of Business (LOB) or Staff Office management representative will lead labor negotiations. AHR LMR representatives will lead major national and regional level negotiations. LOB representatives shall normally be delegated to lead local (field facility) negotiations.
6. **AGREEMENT COORDINATION AND APPROVAL REQUIREMENTS.** All union negotiations will take place under the policy direction of the Administrator.

Each LOB or staff office with employees covered by a labor agreement negotiation shall be represented in the negotiation. LOB's and staff offices are responsible for ensuring that agreements are consistent with programmatic and operational requirements and the effective and efficient functioning of the agency.

Every proposed agreement must be accompanied by a budget analysis. The Office of the Chief Financial Officer, or its designee, is responsible for conducting budget analyses. In coordination with relevant

Lines of Business/Staff Offices, the CFO, or designee, will estimate cost impacts and assess affordability relative to anticipated funding levels.

The responsible policy or program office must concur with all proposed agreements that affect or change agency policies or programs outside the initiating organization scope of authority. For example, the Office of Financial Management must concur with any provisions impacting travel policy. If an AHR LMR representative is not the lead negotiator, an AHR LMR representative must concur with all proposed agreements prior to signature.

All local and regional agreements must be reviewed at the next higher organizational level prior to signature.

Title 5 U.S.C. Section 7114(c) of the Federal Labor Relations Statute states that any union agreement is subject to agency head review and approval. The agency has thirty (30) days after the agreement is signed to conduct such a review. This authority has been delegated to the Director of Labor and Employee Relations, AHL-1 and may be redelegated to the Human Resource Management Officers in the Regions and Centers. In exercising this authority, AHL-1 shall consult with the Office of the Chief Counsel. If agency head review is delegated to the Human Resource Management Officers, those officers shall consult with their region or center Counsel Office. All labor agreements, including memoranda of agreement and memoranda of understanding, must be approved and signed on behalf of the Administrator.

**7. OTHER REQUIREMENTS FOR AGREEMENTS.** Mid-term agreements shall be negotiated only as provided by any governing term agreement and should be entered into only when required for sound business reasons.

**8. MANDATORY PROVISIONS.** All union agreements must contain: (a) specific program or policy the agreement covers, (b) specific union(s) and bargaining unit(s) the agreement covers, (c) specific expiration date or expiration condition, and (d) 30-day agency head review approval line.

**9. RECORD KEEPING.** Copies of all national, regional, and local agreements must be sent to the Director of Labor and Employee Relations, AHL-1, for inclusion in a national database. This applies to any current and future agreements.

**10. LABOR RELATIONS COUNCIL.** This order creates a Labor Relations Council (LRC). The purpose of the LRC is to promote uniform agency-wide policy guidance on a proactive basis for significant labor relations' issues, and to provide a forum for the presentation of information and formulation of cohesive policy guidance on labor relations' issues. The Council will also be a forum to resolve disagreements within management in regard to negotiations with the unions.

The Council membership shall be comprised of:

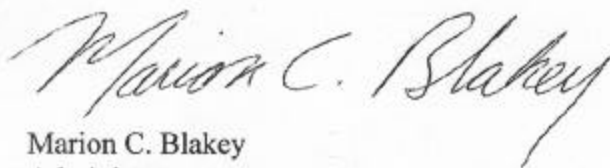
Deputy Administrator

Deputy Assistant Administrator for Labor & Employee Relations

Designated Associate Administrators

Director of Labor & Employee Relations

Any LOB or Staff Office involved in a negotiation may raise an issue of concern regarding the substance or process of a negotiation to the Council. The Council will meet in an ad hoc session with the Deputy Administrator, the Chief of Staff, the concerned LOB or Staff Office, the Deputy Assistant Administrator for Labor Relations, the Director of Labor and Employee Relations in attendance. The participants will strive for a consensus resolution. However, absent consensus the Deputy Administrator shall resolve the matter.

A handwritten signature in cursive script that reads "Marion C. Blakey".

Marion C. Blakey  
Administrator

Signed Date: 05/01/03